

CAUSE NO.: D-1-GN-17-001455

DONNA GRACE,	§	IN THE DISTRICT COURT
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	345 TH JUDICIAL DISTRICT
	§	
SURGICAL CARE AFFILIATES, INC.,	§	
	§	
<i>Defendant.</i>	§	TRAVIS COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Defendant Surgical Care Affiliates, Inc., ("SCA") and files this, its Answer to Plaintiff's Original Petition (hereinafter "Original Petition") and respectfully shows the Court as follows:

I. General Denial

1. Pursuant to Rule 92 of the Texas Rules of Civil Procedure, SCA generally denies each and every allegation contained in Plaintiff's Original Petition and demands strict proof thereof by a preponderance of the credible evidence and clear and convincing proof as required by law.

II. Affirmative and Other Defenses

1. SCA makes the following affirmative and/or other defenses; however, SCA does not assume the burden of proof on any defense except as required by applicable law with respect to the particular defense asserted:

2. Plaintiff has failed to state a claim upon which relief may be granted.

3. SCA's employment decisions regarding Plaintiff were made in good faith and were based on legitimate business reasons which were not retaliatory in nature and/or pretexts for retaliation.

4. Any alleged damage or harm suffered by Plaintiff, which damage or harm SCA expressly denies, was contributed to, caused by, or resulted from Plaintiff's own actions, inactions, and misconduct.

5. Some or all of Plaintiff's claims are barred by applicable statutes of limitations, or other periods of limitation.

6. Plaintiff failed to mitigate her damages, if any. SCA further claims the right to offset any interim earnings by Plaintiff.

7. Any alleged unlawful actions complained of by Plaintiff were not taken by anyone acting on behalf of or at the direction of the SCA.

8. SCA reserves the right to amend this Original Answer to assert other and further defenses.

WHEREFORE, PREMISES CONSIDERED, SCA prays that upon hearing, judgment be entered that Plaintiff takes nothing on her claims against SCA, that SCA be awarded costs of court and all such other and further relief, both special and general, either at law or in equity, to which they may show itself justly entitled.

Respectfully submitted,

HUSCH BLACKWELL, L.L.P.

/s/ Kevin Koronka

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**ATTORNEYS FOR SURGICAL CARE
AFFILIATES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was delivered to all counsel of record as shown below:

- X Mailed by certified mail, return receipt requested, postage prepaid, in a postpaid, properly addressed wrapper, in a post office or official depository under the care and custody of the United States Postal Service.
- _____ Hand-delivered by courier receipted delivery.
- _____ Forwarded by next day receipted delivery service.
- _____ Communicated by telephonic document transfer to the recipient's current telecopier number.
- X Electronic Service via the Efile.TXCourts.gov Electronic Case Filing System (ECF).

TO:

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on this 15th day of May, 2017.

/s/ Kevin Koronka

Kevin Koronka